



# Offender Management Act 2007

## 2007 CHAPTER 21

### PART 4

#### SUPPLEMENTAL

#### 36 Orders and regulations

- (1) Any power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) An order or regulations under this Act may make—
  - (a) different provision for different purposes or different areas;
  - (b) incidental, supplemental, consequential, saving or transitional provision.
- (3) A statutory instrument containing an order or regulations under—
  - (a) section 5(3)(c),
  - (b) section 14(2)(h) or (7),
  - (c) section 15, or
  - (d) section 38(2)(a),may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (4) A statutory instrument containing any other order or regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section references to an order do not include an order under section 41.

#### Annotations:

#### Commencement Information

**II** [S. 36](#) in force at 1.11.2007 by [S.I. 2007/3001](#), [art. 2\(1\)\(m\)](#)

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*Changes to legislation: Offender Management Act 2007, Part 4 is up to date with all changes known to be in force on or before 30 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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### 37 Financial provisions

There is to be paid out of money provided by Parliament—

- (a) any sums required by the Secretary of State in connection with the making and implementation of arrangements for the provision of probation services under section 3;
- (b) any other expenditure incurred by the Secretary of State by virtue of this Act;
- (c) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.

#### Annotations:

#### Commencement Information

**I2** S. 37 in force at 1.11.2007 by S.I. 2007/3001, art. 2(1)(n)

### 38 Power to make consequential and transitional provision etc

- (1) The Secretary of State may by order make—
  - (a) any supplemental, incidental or consequential provision which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act, and
  - (b) any transitory, transitional or saving provision which he considers appropriate in connection with the coming into force of any provision of this Act.
- (2) An order under subsection (1) may, in particular—
  - (a) amend, repeal or revoke any enactment;
  - (b) provide for any provision of this Act which comes into force before another provision has come into force to have effect, until that other provision has come into force, with specified modifications.
- (3) In subsection (2)(a) “enactment” includes any provision contained in—
  - (a) an Act or subordinate legislation,
  - (b) an Act of the Scottish Parliament or any instrument made under such an Act, and
  - (c) Northern Ireland legislation or any instrument made under Northern Ireland legislation,
 which is passed or made before the end of the Session after that in which this Act is passed.
- (4) In subsection (3) “subordinate legislation” and “Northern Ireland legislation” have the same meaning as in the Interpretation Act 1978 (c. 30).
- (5) The amendments that may be made by virtue of subsection (2)(a) are in addition to those made by or under any other provision of this Act.
- (6) Nothing in this section limits the power under section 41(3) to include transitional or saving provision in a commencement order.

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**Annotations:**

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**Commencement Information**

**I3** S. 38 in force at 1.11.2007 by S.I. 2007/3001, art. 2(1)(o)

### 39 Minor and consequential amendments, transitionals, and repeals

Schedules 3 (minor and consequential amendments), 4 (transitional and transitory provisions and savings) and 5 (repeals) have effect.

**Annotations:**

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**Commencement Information**

**I4** S. 39 in force at 1.11.2007 for specified purposes by S.I. 2007/3001, art. 2(1)(p)

**I5** S. 39 in force at 1.4.2008 for specified purposes by S.I. 2008/504, art. 4(1)(I)(2)

**I6** S. 39 in force at 1.4.2008 for specified purposes by S.I. 2008/504, art. 3(k)

**I7** S. 39 in force at 1.5.2008 for specified purposes by S.I. 2007/3001, art. 3(b)

**I8** S. 39 in force at 1.4.2009 for specified purposes by S.I. 2009/547, art. 2(1)(I)(2)

**I9** S. 39 in force at 1.4.2010 for specified purposes by S.I. 2010/191, art. 2(12)

### 40 Extent

- (1) Subject as follows, the preceding provisions of this Act extend to England and Wales only.
- (2) Sections 36 and 38 extend also to Northern Ireland and Scotland.
- (3) Any amendment or repeal made by this Act has the same extent as the provision to which it relates.

**Annotations:**

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**Commencement Information**

**I10** S. 40 in force at 1.11.2007 by S.I. 2007/3001, art. 2(1)(q)

### 41 Commencement

- (1) The preceding provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (2) Different provision may be made under this section for different purposes and for different areas.
- (3) An order under this section may contain transitional provisions or savings relating to the provisions being brought into force by the order.
- (4) An order under this section bringing anything in sections 28 and 29 into force, other than an order which makes the provision permitted by subsection (5)(a) or (6), may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

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- (5) An order which brings those sections into force only in relation to a specified area may—
- (a) provide that they are to be in force in relation to that area only for a specified period; and
  - (b) make transitional provisions or savings relating to those sections' ceasing to be in force at the end of the specified period.
- (6) An order containing the provision permitted by subsection (5)(a) may be amended by a subsequent order under this section so as to continue those sections in force in relation to the area concerned for a further specified period.

## **42 Short title**

This Act may be cited as the Offender Management Act 2007.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)